

AMENDMENTS TO LB 375

Introduced by Judiciary.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 25-1801, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 25-1801 Any person, partnership, limited liability
6 company, association, or corporation in this state having a
7 claim which amounts to ~~two~~ four thousand dollars or less against
8 any person, partnership, limited liability company, association,
9 or corporation doing business in this state for (1) services
10 rendered, (2) labor done, (3) material furnished, (4) overcharges
11 made and collected, (5) lost or damaged personal property, (6)
12 damage resulting from delay in transmission or transportation, (7)
13 livestock killed or injured in transit, or (8) charges covering
14 articles and service affecting the life and well-being of the
15 debtor which are adjudged by the court to be necessities of life
16 may present the same to such person, partnership, limited liability
17 company, association, or corporation, or to any agent thereof,
18 for payment in any county where suit may be instituted for the
19 collection of the same. If, at the expiration of ninety days after
20 the presentation of such claim, the same has not been paid or
21 satisfied, he, she, or it may institute suit thereon in the proper
22 court. If payment is made to the plaintiff by or on behalf of
23 the defendant after the filing of the suit but before judgment is

1 taken, except as otherwise agreed in writing by the plaintiff, the
2 plaintiff shall be entitled to receive the costs of suit whether
3 by voluntary payment or judgment. If he, she, or it establishes
4 the claim and secures judgment thereon, he, she, or it shall be
5 entitled to recover the full amount of such judgment and all costs
6 of suit thereon, and, in addition thereto, interest on the amount
7 of the claim at the rate of six percent per annum from the date
8 of presentation thereof, and, if he, she, or it has an attorney
9 employed in the case, an amount for attorney's fees as provided
10 in this section. If the cause is taken to an appellate court
11 and plaintiff shall recover judgment thereon, the appellate court
12 shall tax as costs in the action, to be paid to the plaintiff,
13 an additional amount for attorney's fees in such appellate court
14 as provided in this section, except that if the party in interest
15 fails to recover a judgment in excess of the amount that may
16 have been tendered by any person, partnership, limited liability
17 company, association, or corporation liable under this section,
18 then such party in interest shall not recover the attorney's fees
19 provided by this section. Attorney's fees shall be assessed by the
20 court in a reasonable amount but shall in no event be less than
21 ten dollars when the judgment is fifty dollars or less and when
22 the judgment is over fifty dollars up to ~~two~~ four thousand dollars
23 the attorney's fee shall be ten dollars plus ten percent of the
24 judgment in excess of fifty dollars.

25 Sec. 2. Original section 25-1801, Reissue Revised
26 Statutes of Nebraska, is repealed.